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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,807	03/14/2005	Keiichi Ohashi	009682-146	6390

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BUCHANAN, INGERSOLL & ROONEY PC
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ALEXANDRIA, VA 22313-1404

EXAMINER

STOKLOSA, JOSEPH A

ART UNIT	PAPER NUMBER
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3762

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/527,807

Applicant(s)

OHASHI ET AL.

Examiner

Joseph Stoklosa

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to:
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/11/2006
6/16/05 and 3/14/05

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2002-288174, filed on 10/1/2002.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 6/16/2005 is acknowledged. The IDS meets the requirements of 37 CFR 1.97 and 1.98 and therefore the references therein have been considered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 8 and 10-12 additionally fail to establish a connection to another element of the independent claim. The structure is incomplete.
6. Claim 9 additionally fails to make clear whether the applicant is positively reciting the elements in line 5 "backrest" and "footrest."

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over PETROFSKY (US 5,048,522) herein Reference A in view of PETROFSKY (US 5,974,342) herein Reference B.

10. With regards to claim 1 and claim 4, Reference A discloses an apparatus that applies high-voltage alternating current (col. 2, line 49-52), a voltage change pattern storing means (col. 7, line 60-65), a voltage change pattern selecting means (col. 12, line 22), and an alternating current generating circuit that

generates the voltage based on the selected change in voltage pattern selected (col. 12, line 17), and an alternating current pattern storing means for patterns comprised of a voltage and waveform (col. 8, line 22), a voltage and a frequency, or a voltage, waveform, and a frequency (col. 9, line 5) all of which are programmed and run using the device controller unit (Fig. 1, 20).

11. Reference A discloses the claimed invention except for voltage step of 90-110V every second. Reference B teaches that it is known to use a voltage step of 90-110V every second as set forth in Fig. 4 to provide for ramping of the stimulus at adequate rate to reach the max voltage. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system as taught by Reference A, with voltage steps of 90-110V as taught by Reference B, since such a modification would provide the system with voltage steps of 90-110V every second for providing shorter treatment times due to faster increases/decreases of the voltage, and to not startle the patient upon initial application of the pulses.
12. Fig. 4 of Reference B shows a decreasing/increasing step in a time of 0.5 seconds from the V_{\max} of 1-75 volts. With the V_{\max} being set for various applications anywhere from 1-75 volts, using 50 volts from the range with the increase/decrease of 0.5 seconds provides the disclosed decrease of 100 volts/second.
13. With regard to claim 5 and 6, Reference A discloses that the voltage and current change patterns are not of a rectangular wave pattern (col. 4, line 54; Fig. 2).

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14. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reference A in view of Reference B as applied to the claims 1 and 4 above.
15. With regards to claims 8-12, Reference A discloses the claimed invention except for the massage unit, rollers, and ion generator. It would have been obvious to one of ordinary skill in the art to modify the system as taught by Reference A in view of Reference B, with a massage unit, rollers and an ion generator since it is known in the art that a massage unit, rollers, and an ion generator is used to provide greater user comfort and create a forest bath effect, refreshing effect, to promote recovery from exhaustion.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Stoklosa whose telephone number is 571-272-1213. The examiner can normally be reached on Monday-Friday 7:30-4:00.

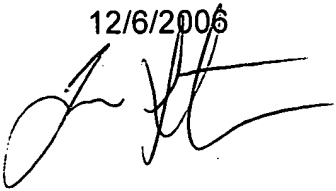
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph Stoklosa
Examiner
Art Unit 3762

JS
12/6/2006



1 5
GEORGE R. EVANISKO
PRIMARY EXAMINER

12/11/06